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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 EQUAL EMPLOYMENT
11 OPPORTUNITY COMMISSION,

12 Plaintiff,

13 v.

14 BNSF RAILWAY COMPANY,

15 Defendant.

CASE NO. C14-1488 MJP

ORDER ON MOTION TO APPEAR
AS AMICUS CURIAE

16 The Court has received and reviewed the Motion to Appear as Amicus Curiae by the
17 Washington Employment Lawyers Association (Dkt. No. 205) and Defendant's response (Dkt.
18 No. 208), as well as relevant portions of the record.

19 IT IS ORDERED that the motion is DENIED.

20 The day after the amicus motion was filed, the parties filed a stipulation of dismissal of
21 this action with prejudice. Dkt. No. 207. The effect of that dismissal pursuant to FRCP
22 41(a)(1)(A)(ii), "without court order," was to automatically terminate the action and deprive this
23 Court of further jurisdiction to act in the matter. "[O]nce a notice of voluntary dismissal is filed,
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1 the district court in which the action is pending loses jurisdiction and cannot exercise discretion
2 with respect to the terms and conditions of dismissal.” Commercial Space Mgmt. Co., Inc. v.
3 The Boeing Co., Inc., 193 F.3d 1074, 1076 (9th Cir. 1999). That loss of jurisdiction includes the
4 discretion to allow the intervention of new parties.

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6 The clerk is ordered to provide copies of this order to all counsel.

7 Dated June 24, 2020.

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9 Marsha J. Pechman
10 United States Senior District Judge
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